IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 569 OF 2006
IN
WRIT PETITION NO. 2181 OF 2004

Export Inspection Council of India. ... Petitioners

V/s.

Madhukar Arun Sapkale. ...Respondents.

Mr. V. Narayan for the Petitioners.

Ms. Neeta P. Karnik for Respondent No.3.

.....

CORAM : DR. D.Y. CHANDRACHUD,J.

6TH OCTOBER,2006.

P.C. :

1. By its Award dated 17th October 2003, the Tribunal has granted to the Respondent workmen the benefit of permanency. While admitting this Petition on 6th August 2004, the learned Single Judge declined to grant interim relief but observed that the regularization of the workmen would be subject to the final order in the petition.

2. The motion in the present case has been taken out for the grant of maternity benefits to the 3rd Respondent. The 3rd Respondent gave birth to a child on 16th March 2006 and was on maternity leave between 16th March 2006 and 22nd June 2006. Under Section 5 of the Maternity Benefit Act, 1961 it has been provided that every woman shall be entitled to maternity benefit and her employer

shall be liable for the payment of maternity benefit at the rate of average daily wages for the period of her actual absence, commenceing from the day immediately preceding the day of her delivery. The maximum period of maternity benefit is prescribed as 12 weeks under sub section (3) of Section 5. Under Section 8 every woman is entitled to receive from the employer medical bonus of Rs.250/- if no pre-natal confinement and post-natal care is provided for by the employer free of charge. In the present case, the 3rd Respondent to the Petition who is the Applicant in the Motion has not been either paid her salary for the period between 15th March 2006 and 23rd June 2006 or the medical bonus. The Export Inspection Counsil who is the Petitioner in the main proceeding is bound to comply the provisions of the Maternity Benefit Act, 1961.

3. The Motion is accordingly made absolute in terms of prayer clause (a).

4. Payment to be made within a period of two weeks from today.

5. The Motion is accordingly disposed of.